

OPENING AN ADVERSARY PROCEEDING

REQUIRED:

- Complaint
- Payment of the adversary filing fee (unless deferred or not required)
- Summons

OPENING THE CASE:

Click 'Adversary' on the CM/ECF menu bar.

Select 'Open an AP Case' from the list of adversary event categories.

The Complaint defaults to 'y.' If the first document docketed is the Complaint, accept the default. If the first document docketed is a Notice of Removal, **STOP FILING**, and refer to the Filing a Notice of Removal procedure.

Enter underlying case number when prompted, ensuring that the underlying case number on the complaint is correct.

Association type will default to 'Adversary'. Accept the default.

The judge will automatically default to the judge assigned to the underlying case. Accept the default judge by clicking 'Next'.

Search for and add the Plaintiff(s):

- Enter Last/Business Name to search for the Plaintiff name in the ECF database.
- IF the Plaintiff's name does appear in the list, select the name from the list and remove all address information at the next screen.
- IF the Plaintiff's name does not appear in the list, click on 'Create new party' to add the Plaintiff. DO NOT add an address, e-mail address, alias or aka for the Plaintiff.
- The Plaintiff Information screen will appear.
- Add any identifying role into party text (i.e. James Smith, Chapter 7 Trustee; James Smith, liquidating Trustee for the Estate of ... etc.)
- Select the appropriate Role in Bankruptcy Case from the drop-down menu.
- Click **ADD PLAINTIFF'S ATTORNEY**. If you do not do this, the attorney information will not populate to the Summons correctly.
- Ensure that the Lead attorney designation remains 'yes'.
- NEVER change or remove an e-mail address from an attorney address record (if a change is necessary, file your case and update your account through PACER.)
- Click 'Submit' to add the first Plaintiff. Continue the steps above to add additional Plaintiffs.
- Click 'End plaintiff selection' when finished.

Search for and add the Defendant(s) the same way the Plaintiff(s) were added, taking into consideration the following:

- Do not add an e-mail address, alias, dba, fka or social security number for the Defendant.
- You may select a debtor defendant that is already in the system with social security number.
- Do not enter the address for the Defendant. The clerk's office will add an address if a responsive pleading is filed and the defendant is not represented by counsel.
- Select the appropriate Role in Bankruptcy Case from the drop-down menu.
- Click 'Submit' to add the first Defendant. Continue the steps above to add additional Defendants.
- Click 'End defendant selection' when finished.

Statistical Screen:

- Party code defaults to '3 U.S. not a Party'. Change if necessary.
- Rule 23 (class action) defaults to 'n'. Change if necessary.
- Jury demand defaults to 'None'. Change if necessary.
- Enter Demand amount, to the nearest \$000. (Divide the Demand amount by 1,000 to determine the amount to enter. For example, a Demand amount of \$10,000 divided by 1,000 = 10).
- Leave blank if no Demand amount is given. State Law defaults to 'n'. Change if necessary.
- Select the correct Nature of Suit(s) from the pick list(s). If more than one Nature of Suit exists and one is for a 727 Complaint, select Nature of Suit 41 as the primary Nature of Suit.
- Click "Next" when finished.

Browse to the directory where your complaint is located, view and select. If there are Attachments, click 'Yes' to Attachments to Document and click 'Next'. Otherwise, click 'Next'.

Enter the correct Fee Value as reflected on the screen, depending on whether the fee will be paid, deferred, or is not required.

- The filing fee can only be deferred if the Adversary Proceeding is commenced by the trustee, an attorney employed by the trustee, or a debtor-in-possession. The Request for Deferral of Filing fee must be docketed once the Adversary Proceeding is open.

Click 'Next' until you arrive at the Docket Text: Final Text screen. Review docket text. If there are errors, go back and fix or click on 'Adversary' to start over. If you see no errors, click 'Next' to commit the transaction.

Complete payment of fees, if appropriate.

ISSUING THE SUMMONS:

It is the Plaintiff's responsibility to docket the Summons. A PDF is not required. The Auto Summons program will generate a completed Summons during the docketing process.

Click 'Adversary' on the CM/ECF menu bar.

Click 'Summons.'

Enter Adversary Case Number and click 'Next.'

Click 'Summons Issued (auto)' and click 'Next.'

Select the Defendant(s) the summons will issue on.

Review the docket text at the Docket Text: Modify as Appropriate. If there is a problem, click 'Adversary' to start over. If there is no problem, click 'Next.'

You have one more opportunity to ensure that everything is correct. Click 'Next' to commit the transaction.

Click the hyperlink 'Summons Issued' to view and print the summons. If a problem exists, such as the attorney information does not appear on the Summons, contact the CM/ECF Help Desk before serving it. Once resolved, redocket the 'Summons Issued (auto)' event.

REQUEST FOR DEFERRAL OF FILING FEE (if representing the Trustee or DIP)

Click 'Adversary' on the blue ECF menu bar.

Click 'Notices.'

Enter adversary case number and click 'Next.'

Select 'Request for Deferral of Filing Fee' from the list of notice events. Select the Plaintiff(s) at the 'Select the Party' screen.

Create the association between yourself and the Plaintiff, if necessary, by clicking on the box.

Click 'Next' until you arrive at Docket Text: Final Text screen. Read the docket text. If there is a problem, click 'Adversary' to start over. If there is no problem, click 'Next'.